

House Bill 1372 (AS PASSED HOUSE AND SENATE)

By: Representative Harbin of the 118th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees' insurance and benefit plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; to provide an exemption from the eight-year service requirement for correctional officers injured by inmate violence when five years or less from becoming eligible for medicare medical coverage; to provide for fiscal notes for bills impacting the state health benefit plans; to provide for the House Asthma Strategic Planning Study Committee; to provide for automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees' insurance and benefit plans, is amended striking Code Section 45-18-5, relating to county officers and employees, and inserting in lieu thereof a new Code Section 45-18-5 to read as follows:

"45-18-5.

(a) The board is authorized to contract with the various counties of this state for the inclusion of the employees of any county within any health insurance plan or plans established under this article. The various counties of this state are authorized to contract with the board as provided in this Code section. In the event that any such contract is entered into, it shall be the duty of any counties so contracting to deduct from the salary or other compensation of its employees such payment as may be required under any health insurance plan and to remit the same to the board for inclusion in the health insurance fund. In addition, it shall be the duty of such county or counties to make the employer contributions required for the operation of such plan or plans. Should such county or counties fail to remit such deductions or such employer contributions, the commissioner

1 may, upon written notice to such county or counties, terminate the coverage for such
2 employees as of the day following the last day for which such deductions or such employer
3 contributions were remitted to the board. Coverage may be reinstated upon the tender of
4 any such deductions or employer contributions not previously remitted.

5 (b) County officials may elect to be included in a health insurance plan, health
6 maintenance organization, or other health benefits plan offered or provided by a county for
7 its county officials or any health plan or plans established under this article. The governing
8 authority of a county may elect by majority vote to provide for payment in a uniform
9 manner of any portion, all, or none of the employer contributions for or required premiums
10 or payments due from the county officials or former county officials who under this Code
11 section are eligible for inclusion in the health plan or plans established under this article.
12 The board is authorized to contract with the County Officers Association of Georgia on
13 behalf of the various counties of this state for the inclusion in any health insurance plan or
14 plans established under this article of officials, spouses, and dependents of officials serving
15 in one or more of the following capacities: probate judge, sheriff, tax commissioner or tax
16 collector, clerk of the superior court, full-time or part-time state court judge, solicitor, state
17 court clerk, or solicitor-general, chief magistrate, juvenile court judge, or members of the
18 county governing authority and officials, spouses, and dependents of officials leaving
19 office on or after December 31, 1996, who have served at least 12 years in one or more of
20 the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk of
21 the superior court, full-time or part-time state court judge, solicitor, state court clerk, or
22 solicitor-general, chief magistrate, juvenile court judge, or members of the county
23 governing authority. The County Officers Association of Georgia is authorized to contract
24 with the board as provided in this Code section. In the event that such a contract is entered
25 into, it shall be the duty of the County Officers Association of Georgia to collect from the
26 various counties of this state with which it has contracted under this subsection and remit
27 to the board such payment as may be required under any health insurance plan for inclusion
28 in the health insurance fund. The County Officers Association of Georgia may add a
29 reasonable fee to the premiums required under the plan to cover necessary administrative
30 costs. In addition, it shall be the duty of the County Officers Association of Georgia to
31 maintain and remit to the board accurate records of official, dependent, and other
32 information required by the board to administer this Code section. Should the County
33 Officers Association of Georgia fail to remit such payment, the commissioner may, upon
34 written notice to the County Officers Association of Georgia, terminate the coverage for
35 such officials as of the day following the last day for which such payment was remitted to

1 the board. Coverage may be reinstated upon the tender of any such deductions or employer
2 contributions not previously remitted.

3 (c) The various counties of this state are authorized to contract with the County Officers
4 Association of Georgia for the inclusion in any health insurance plan or plans established
5 under this article of officials, spouses, and dependents of officials serving in one or more
6 of the following capacities: probate judge, sheriff, tax commissioner or tax collector, clerk
7 of the superior court, full-time or part-time state court judge, solicitor, or solicitor-general,
8 chief magistrate, juvenile court judge, or members of the county governing authority and
9 officials, spouses, and dependents of officials leaving office on or after December 31,
10 1996, who have served at least 12 years in one or more of the following capacities: probate
11 judge, sheriff, tax commissioner or tax collector, clerk of the superior court, full-time or
12 part-time state court judge, solicitor, state court clerk, or solicitor-general, chief magistrate,
13 juvenile court judge, or members of the county governing authority. The County Officers
14 Association of Georgia is authorized to contract with the various counties of the state as
15 provided in this Code section. In the event that any such contracts are entered into, it shall
16 be the duty of any counties so contracting to deduct from the salary or other compensation
17 of its officials and otherwise collect from former officials such payment as may be required
18 under any health insurance plan and to remit the same to the County Officers Association
19 of Georgia for payment to the board. To the extent employer contributions are not fully
20 made by a county, it shall be the duty of the covered officials and former officials to make
21 such employer contributions required on their behalf for the operation of such plan or
22 plans. Should the County Officers Association of Georgia fail to remit such payment, the
23 commissioner may, upon written notice to the County Officers Association of Georgia,
24 terminate the coverage for such officials as of the day following the last day for which such
25 payment was remitted to the board. Coverage may be reinstated upon the tender of any
26 such deductions or employer contributions not previously remitted.

27 (c.1) Any local board of education may elect for members thereof and their spouses and
28 dependents to be included in any health plan or plans established under Code Section
29 20-2-918. It shall be the duty of any local boards of education so electing to deduct from
30 the salary or other compensation of its members such payment as may be required under
31 paragraph (1) of subsection (b) of Code Section 20-2-55 and to remit the same to the health
32 insurance fund created under Code Section 20-2-918. Should any local board of education
33 fail to remit such payment to the board, the provisions of subsection (b) of Code Section
34 20-2-920 shall be applicable to such nonpayment.

35 (d) In administering this Code section, it shall be the responsibility of the board to develop
36 rates for coverage based on the actual claims experience of the individuals covered by this

1 Code section. The board shall require a bond satisfactory to the commissioner to assure the
2 contractual performance of any entities with which it contracts under this Code section.

3 (e) Nothing in this Code section shall preclude the exercise of any options or rights
4 otherwise available to such county officers or members of local boards of education under
5 other state or federal laws which relate to extension or continuation of health benefits."

6 SECTION 2.

7 Said chapter is further amended by striking Code Section 45-18-5.1, relating to licensed blind
8 or otherwise seriously disabled vendors, and inserting in lieu thereof a new Code Section
9 45-18-5.1 to read as follows:

10 "45-18-5.1.

11 The Department of Labor is authorized to contract with the Georgia Cooperative Services
12 for the Blind, Inc., a nominee agent designated by the Division of Rehabilitation Services
13 of the Department of Labor, for the inclusion of licensed blind persons or other persons
14 with disabilities operating a vending facility in accordance with Article 2 of Chapter 15 of
15 Title 34 within any health insurance plan or plans established under this article. In the
16 event any contract is entered into, it shall be the duty of the Georgia Cooperative Services
17 for the Blind, Inc., to deduct the payment required under the plan from the earnings or other
18 compensation of licensed blind persons or other persons with disabilities and remit it to the
19 Department of Labor for inclusion in the health insurance fund. In addition, it shall be the
20 duty of the Georgia Cooperative Services for the Blind, Inc., to make the employer
21 contributions required for the operation of such plan or plans. Should the Georgia
22 Cooperative Services for the Blind, Inc., fail to remit such deductions or such employer
23 contributions through the Department of Labor, the commissioner may, upon written notice
24 to the Georgia Cooperative Services for the Blind, Inc., terminate the coverage for such
25 employees as of the day following the last day for which such deductions or such employer
26 contributions were remitted to the board. Coverage may be reinstated upon the tender of
27 any such deductions or employer contributions not previously remitted."

28 SECTION 3.

29 Said chapter is further amended by striking Code Section 45-18-5.2, relating to sheltered
30 employment center employees, and inserting in lieu thereof a new Code Section 45-18-5.2
31 to read as follows:

32 "45-18-5.2.

33 The board is authorized to contract with public and private nonprofit sheltered employment
34 centers which contract with or employ persons within the Division of Rehabilitation

Services of the Department of Labor and the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources for the inclusion of employees working in the sheltered employment centers within any health insurance plan or plans established under this article. The board is authorized to adopt regulations for entering into any contract. In the event any contract is entered into, it shall be the duty of the sheltered employment center to remit any funds that may be deducted from the earnings or other compensation of such sheltered employees for inclusion in the health insurance fund. In addition, it shall be the duty of the sheltered employment center to make the employer contributions required for the operation of such plan or plans. Should the sheltered employment center fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to the sheltered employment center, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted."

SECTION 4.

Said chapter is further amended by striking Code Section 45-18-7.1, relating to employees of the Georgia Development Authority, and inserting in lieu thereof a new Code Section 45-18-7.1 to read as follows:

"45-18-7.1.

The board is authorized to contract with the Georgia Development Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Development Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Development Authority to deduct from the salary or other remuneration of its employees such payment as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Development Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Development Authority fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to the Georgia Development Authority, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted."

SECTION 5.

Said chapter is further amended by striking Code Section 45-18-7.2, relating to Agrirama Development Authority employees, and inserting in lieu thereof a new Code Section 45-18-7.2 to read as follows:

"45-18-7.2.

The board is authorized to contract with the Georgia Agrirama Development Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Agrirama Development Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Agrirama Development Authority to deduct from the salary or other remuneration of its employees such payment as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Agrirama Development Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Agrirama Development Authority fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to the Georgia Agrirama Development Authority, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted."

SECTION 6.

Said chapter is further amended by striking Code Section 45-18-7.3, relating to employees of Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.3 to read as follows:

"45-18-7.3.

The board is authorized to contract with the Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, and the Sheriffs' Retirement Fund of Georgia for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of said Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of said Peace Officers' Annuity Benefit Fund, Georgia Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia to deduct from the salary or other remuneration of their employees such payment as may be required under the board's regulations. In addition, it shall be the duty of said Peace Officers' Annuity and Benefit Fund, Georgia

Firefighters' Pension Fund, and Sheriffs' Retirement Fund of Georgia to make the employer contributions required for the operation of such plan or plans. Should the Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, or Sheriffs' Retirement Fund of Georgia fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to the Peace Officers' Annuity and Benefit Fund, Georgia Firefighters' Pension Fund, or Sheriffs' Retirement Fund of Georgia, as the case may be, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted."

SECTION 7.

Said chapter is further amended by striking Code Section 45-18-7.5, relating to employees of Georgia Housing and Finance Authority, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.5 to read as follows:

"45-18-7.5.

The board is authorized to contract with the Georgia Housing and Finance Authority for the inclusion in any health insurance plan or plans established under this article of the employees and retiring employees of the Georgia Housing and Finance Authority and their spouses and dependent children, as defined by the regulations of the board. It shall be the duty of the Georgia Housing and Finance Authority to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees, retired employees, or dependents as may be required under the board's regulations. In addition, it shall be the duty of the Georgia Housing and Finance Authority to make the employer contributions required for the operation of such plan or plans. Should the Georgia Housing and Finance Authority fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to the Georgia Housing and Finance Authority, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted."

SECTION 8.

Said chapter is further amended by striking Code Section 45-18-7.6, relating to employees of Georgia-Federal State Inspection Service, spouses, and dependent children, and inserting in lieu thereof a new Code Section 45-18-7.6 to read as follows:

1 "45-18-7.6.

2 The board is authorized to contract with the Georgia-Federal State Inspection Service for
3 the inclusion in any health insurance plan or plans established under this article of the state
4 employees of, retiring employees of, and employees who retired under the Employees'
5 Retirement System of Georgia on or before July 1, 2000, from the Georgia-Federal State
6 Inspection Service and their spouses and dependent children, as defined by the regulations
7 of the board. It shall be the duty of the Georgia-Federal State Inspection Service to deduct
8 from the salary or other remuneration or otherwise collect such payment from its qualified
9 employees or dependents as may be required under the board's regulations. In addition,
10 it shall be the duty of the Georgia-Federal State Inspection Service to make the employer
11 contributions required for the operation of such plan or plans. Should the Georgia-Federal
12 State Inspection Service fail to remit such deductions or such employer contributions to the
13 board, the commissioner may, upon written notice to the Georgia-Federal State Inspection
14 Service, terminate the coverage for such employees as of the day following the last day for
15 which such deductions or such employer contributions were remitted to the board.
16 Coverage may be reinstated upon the tender of any such deductions or employer
17 contributions not previously remitted."

18 SECTION 9.

19 Said chapter is further amended by striking Code Section 45-18-7.7, relating to employees
20 and dependents of critical access hospitals in health plans, and inserting in lieu thereof a new
21 Code Section 45-18-7.7 to read as follows:

22 "45-18-7.7.

23 (a) The board is authorized to contract with any public or nonprofit critical access hospital
24 that meets such requirements as the department may establish for the inclusion of the
25 employees and dependents of such critical access hospitals in any health plan established
26 under this article. It shall be the duty of such critical access hospital to deduct from the
27 salary or other remuneration or otherwise collect such payment from its qualified
28 employees as may be required under the board's regulations. In addition, it shall be the
29 duty of such critical access hospital to make the employer contributions required for the
30 operation of such plan. Should any critical access hospital fail to remit such deductions or
31 such employer contributions to the board, the commissioner may, upon written notice to
32 such critical access hospital, terminate the coverage for such employees as of the day
33 following the last day for which such deductions or such employer contributions were
34 remitted to the board. Coverage may be reinstated upon the tender of any such deductions
35 or employer contributions not previously remitted.

(b) The board is authorized to contract with any federally qualified health center, as defined in Section 1395x(aa)(4) of Title 42 of the United States Code Annotated, that meets such requirements as the department may establish for the inclusion of the employees and dependents of such federally qualified health centers in any health plan established under this article. It shall be the duty of the federally qualified health center to deduct from the salary or other remuneration or otherwise collect such payment from its qualified employees as may be required under the board's regulations. In addition, it shall be the duty of such federally qualified health center to make the employer contributions required by the board for the operation of such plan. The department shall make a determination, no later than January 1, 2005, as to whether a federally qualified health center is an agency or instrumentality of the State of Georgia. In the event that the department determines that such centers are agencies or instrumentalities of the State of Georgia, then all employees and dependents of such centers shall be eligible for inclusion in the state employees' health insurance plan. Should any such federally qualified health center fail to remit such deductions or such employer contributions to the board, the commissioner may, upon written notice to such federally qualified health center, terminate the coverage for such employees as of the day following the last day for which such deductions or such employer contributions were remitted to the board. Coverage may be reinstated upon the tender of any such deductions or employer contributions not previously remitted.

(c) The authority granted to the board pursuant to Code Sections 45-18-5.1, 45-18-5.2, 45-18-7.1, 45-18-7.2, 45-18-7.3, 45-18-7.5, and 45-18-7.6; by this Code section; or by any other provision of this article may be exercised only upon a determination by the department that the employer is an agency or instrumentality of the State of Georgia or, if the department determines that such entities are not agencies or instrumentalities of the State of Georgia, then employees and dependents of such entities may be included in the state employees' health insurance plan up to the point that such health plan would not be able to retain its exempt status under the federal Employee Retirement Income Security Act of 1974."

SECTION 10.

Said chapter is further amended by adding a new subsection (c) to Code Section 45-18-10, relating to the right of continuation of insurance benefits for former state employees, to read as follows:

"(c) Any other provision of this article to the contrary notwithstanding, any employee who is injured by an act of inmate violence while he or she is employed as a correctional officer in a correctional facility in this state and is five years or less from becoming eligible for

1 medicare medical coverage shall be exempt from the eight or more years of service
2 requirement and shall be entitled to continue full coverage and participation, including
3 coverage for his or her spouse and dependent children, in the health insurance plan upon
4 the payment of the monthly premium fixed by the board for active state employees. The
5 first monthly premium provided for in this subsection must be paid within 30 days
6 following receipt of a notice of premium to be sent to such person by the commissioner.
7 If such premium is not paid within such time limit, such insurance coverage shall be
8 canceled and such person shall not again be eligible to participate in such plan."

9 SECTION 11.

10 Said chapter is further amended by striking Code Section 45-18-16, relating to certification
11 to departments and other entities of the state of employer payment percentage for ensuing
12 fiscal year, and inserting in lieu thereof a new Code Section 45-18-16 to read as follows:

13 "45-18-16.

14 ~~On or before June 1 of each year~~ Not less than 30 days prior to the commencement of the
15 plan year, the commissioner of community health shall certify to the director or chief
16 administrative officer of each state department, bureau, institution, board, commission, or
17 authority having employees covered by this article the amount of percentage adopted by
18 the board as employer payments for the ensuing fiscal year; and they shall, in their annual
19 budget, make provisions for funds with which to pay the board the required employer
20 payments."

21 SECTION 12.

22 Said chapter is further amended by adding new Code sections to read as follows:

23 "45-18-20.

24 Any bill prepared by the General Assembly which would impact the state employees'
25 health insurance plan established under this article shall require a fiscal note in accordance
26 with the procedures of Code Section 28-5-42.

27 45-18-21.

28 (a) There is created the House Asthma Strategic Planning Study Committee to be
29 composed of five members of the House of Representatives to be appointed by the Speaker
30 of the House of Representatives, as well as representatives from the Governor's office, the
31 Public Employee Health Benefits Division and the Division of Medical Assistance of the
32 Department of Community Health, the Department of Education, the Department of Early
33 Care and Learning, the American Lung Association, and Children's Healthcare of Atlanta.

1 The Speaker of the House of Representatives shall designate a member of the committee
2 as chairperson of the committee. The chairperson shall call all meetings of the committee.
3 The committee shall undertake a study of the current prevalence of asthma in Georgia and
4 determine a state-wide strategy for reducing the prevalence of the disease as well as
5 improving the health status of Georgians with asthma.

6 (b) The committee shall undertake a study of the conditions, needs, issues, and problems
7 mentioned above or related thereto and recommend any action or legislation the committee
8 deems necessary or appropriate. The committee may conduct such meetings at such places
9 and at such times as it may deem necessary or convenient to enable it to exercise fully and
10 effectively its powers, perform its duties, and accomplish the objectives and purposes of
11 this resolution. The legislative members of the committee shall receive the allowance
12 provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen
13 members shall receive a daily expense allowance in the amount specified in subsection (b)
14 of Code Section 45-7-21 of the Official Code of Georgia Annotated as well as the mileage
15 or transportation allowance authorized for state employees. Any member who is a public
16 official or employee other than a member of the General Assembly shall not receive a daily
17 expense allowance but may be reimbursed for actual expenses by his or her public
18 employer. All funds necessary to carry out the provisions of this resolution shall come from
19 funds appropriated to the House of Representatives. The expenses and allowances
20 authorized by this resolution shall not be received by any member of the committee for
21 more than five days unless additional days are authorized. In the event the committee
22 makes a report of its findings and recommendations, with suggestions for proposed
23 legislation, if any, such report shall be made on or before December 31, 2006.

24 (c) This Code section shall be repealed and the committee shall stand abolished on
25 December 31, 2006."

26 **SECTION 13.**

27 This Act shall become effective on July 1, 2006.

28 **SECTION 14.**

29 All laws and parts of laws in conflict with this Act are repealed.